

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA**

In the matter of an application for Leave to Appeal under and in terms of Article 128 of the Constitution of the Democratic Socialist Republic of Sri Lanka read with Section 5C of the High Court of the Provinces (Special Provisions) Act as amended by the Act No. 54 of 2006.

SC/APPEAL/118/18

SC/HCCA Application No. 35/2016

CP/HCCA/Kandy 94/2013 (F)

D.C Nuwaraeliya Case No. 1446/9/L

Walpola Liyanage Premarathne,
No. 131/1, Udamadura,
Talawa.

Plaintiff

Vs.

Abeydeera Arachchige Charlotte
Kalamawathie
No. 15,
Nildannahinna

Defendant

AND

Abeydeera Arachchige Charlotte
Kalamawathie
No. 15,
Nildannahinna

Defendant – Appellant

Vs.

Walpola Arachchige Premarathne,
No. 131/1, Udamadura,
Talawa.

Plaintiff – Respondent

AND

Abeydeera Arachchige Charlotte
Kalamawathie

No. 15,
Nildannahinna

Defendant – Appellant - Petitioner

Vs.

Walpola Arachchige Premarathne,
No. 131/1, Udamadura,
Talawa.

Plaintiff – Respondent – Respondent

AND NOW

Abeydeera Arachchige Charlotte
Kalamawathie

No. 15,
Nildannahinna

Defendant – Appellant – Appellant

Vs.

Walpola Arachchige Premarathne,
No. 131/1, Udamadura,
Talawa.

Plaintiff – Respondent - Respondent

(Deceased)

1a. M.M.G. Karunawathie,

1b. W.L. Nandawathie,

1c. W.L. Rupawathie,

1d. W.L. Kamalawathie,

1e. W.L. Ariyawathie

1f. W.L. Gunarathne,

1g. W.L. Thusarika Kumari,

1h. W.L. Chandra Kumari,

1i. W.L. Lalitha Kumari,

1j. W.L. Devika Kumari

All at No. 48, Udamadura,
Talawa,
Nildannahinna.

1(a) to 1(j) Plaintiff – Respondent –
Respondents

Before : Sisira J. de Abrew J
Murdu N. B. Fernando, PC J,
E. A. G. R. Amarasekara J

Counsel : Gamini Hettiarachchi for the Defendant – Appellant – Appellant
Bimal Rajapakse with Amrit Rajapakse and Muditha Perera for
the Plaintiff – Respondent - Respondent

Argued on : 24/09/2020

Decided on : 02/06/2021

Murdu N. B. Fernando, PC. J,

I have had the benefit of reading in draft the judgment of my brother
Amarasekara J and Sisira J. de Abrew J., disallowing this appeal for reasons stated
therein.

I concur with the said findings. Appeal is dismissed.

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Judge of the Supreme Court.